IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HONOURABLE SMT. JUSTICE T. MEENA KUMARI

AND

HONOURABLE MR. JUSTICE K.C. BHANU

WRIT PETITION NO. 3009 OF 2006

Date:07.03.2006

BETWEEN:

Allam Nagamani

…. PETITIONER

And

1. The Sub-Inspector of Police, Government Railway Police, Visakhapatnam, and another.

…. RESPONDENTS

HONOURABLE SMT. JUSTICE T. MEENA KUMARI

AND

HONOURABLE MR. JUSTICE K.C. BHANU

WRIT PETITION NO. 3009 OF 2006

ORAL ORDER: (Per TMK,J.)

This writ petition is taken up on the basis of the Fax Message dated

14.02.2006, sent by the petitioner for issuance of Writ of Habeas Corpus directing the Respondents herein to produce the husband of the petitioner herein, namely, Mr.Allam Sai, S/o. Subba Rao, who was illegally taken away by the Government Railway Police, Visakhapatnam on 08.02.2006

A counter affidavit has been filed by the respondents denying all the allegations stating that on a complaint made by one Ms. P.D.N. Dhanalaxmi before the Government Railway Police Station, Visakhapatnam, alleging theft of one gold chain, return journey ticket, SIM card and cash of Rs.8000/- while she was traveling in Godavari Express from Secunderabad to Visakhapatnam in A.C. coach with Berth No.7, the Police registered a case in Crime No.8 of 2006 under Section 379 IPC and investigated into the same. During the course of investigation an ex-convict, namely, Allam Sai Baba was arrested and interrogated by the Railway Police. On examination the alleged detenu disclosed that he is an ex-convict and committed several offences like pick pocketing, bag lifting, snatching and theft by opening zip bags etc., of the passengers. He further confessed that prior to Sankranti, he committed theft of one gold chain, SIM card, Railway ticket and cash of Rs.8000/- by opening the zip of a handbag belonging to a lady passenger in A.C. coach of Godavari Express bearing Train No.7008. Thereafter, the said gold chain was recovered under seizure and panchanama report and the alleged detenu was brought to the Police Station at about 00.15 hours on the intervening night of 14/15.02.2006 and after complying with the formalities of arrest, he was kept in lockup and was produced before the learned Special Judicial First Class Magistrate for Excise, Visakhapatnam, on 15.2.2006. The learned Magistrate, after perusing the documents of arrest and hearing the alleged detenu, remanded him to judicial custody initially up to 28.2.2006.

In view of the averments made in the counter affidavit, no further orders are necessary in this writ petition. Accordingly, the Writ Petition is dismissed at the admission stage.

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(T. MEENA KUMARI, J.)

(K.C. BHANU, J.)

7th March, 2006

Js.